

## Message Text

UNCLASSIFIED

PAGE 01 BRAZZA 00196 250940Z  
ACTION SCS-06

INFO OCT-01 AF-10 EB-08 ISO-00 CG-00 DOTE-00 SSO-00  
/025 W

-----037953 250943Z /10

O R 250900Z FEB 78  
FM AMEMBASSY BRAZZAVILLE  
TO SECSTATE WASHDC NIACT IMMEDIATE 0246  
INFO AMEMBASSY KINSHASA

UNCLAS BRAZZAVILLE 0196

ALSO FOR DEPT AF/C - KATZEN

E.O. 11652: N/A  
TAGS: CGEN  
SUBJECT: DEL SOL ACCIDENT POINTE NOICE

REF: (A) BRAZZAVILLE 0178, (B) BRAZZAVILLE 0187, (C) STATE 046069

1. CHARGE MET 24 FEBRUARY WITH REPRESENTATIVES OF MANUCONGO, ATC,  
AND MASTER DEL SOL TO DISCUSS FORMULA FOR AND SUBSTANCE OF  
REQUESTED DEPOSIT OF CFA 120,000,000.

2. ATC AT PAINS TO CLARIFY THAT THE SUM OF CFA 120,000,000  
IS NOT A SUM REQUIRED AS SETTLEMENT OF THEIR CLAIM NOR A  
SUM WHICH IS TO BE FORFEITED. IT IS A DEPOSIT ONLY WHICH  
GUARANTEES THAT FUNDS WILL BE AVAILABLE FOR WHATEVER FINAL  
FIGURE IS ARBITRATED, NEGOTIATED, OR SET BY JUDICIAL PRO-  
CEEDINGS AND ANY AMOUNT OF THE DEPOSIT WHICH IS IN EXCESS  
OF THE FINAL SETTLEMENT FIGURE WILL BE IMMEDIATELY REFUNDED.

3. THE REQUIRED DEPOSIT IS NOT A NEGOTIABLE AMOUNT. THE FINAL  
SETTLEMENT IS NEGOTIABLE OR FAILING NEGOTIATIONS SUBJECT TO  
JUDICIAL DECISION.

4. IF DELTA LINES DOES NOT ACCEPT TO MAKE THE REQUIRED DEPOSITV,  
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THE AMOUNT OF THE DEPOSIT WILL BECOME SUBJECT TO LITIGATION  
AND WILL, IF LITIGATION OCCURS, BE SET BY THE COURTS. LOCAL  
COURTS WILL HAVE JURISDICTION IN ANY LITIGATION.

5. UNTIL THE DEPOSIT OF CFA 120,000,000 ALREADY REQUESTED,  
OR A DEPOSIT SUM SET AS A RESULT OF LITIGATION IS MADE, THE  
DEL SOL MUST REMAIN IN POINTE NOIRE HARBOR.

6. THE DEL SOL WILL BE IMMEDIATELY RELEASED UPON NOTIFICATION THAT FUNDS EQUAL TO THE REQUESTED OR JURIDICALLY DETERMINED AMOUNT ARE IN PROCESS OF BEING TRANSFERRED. THE ATC AGREES THAT THE DEPOSIT MAY BE MADE TO A COMMERCIAL BANK RATHER THAN TO THE TRESORIER PAYEUR GENERAL EN REPUBLIQUE POPULAIRE DU CONGO AND THAT IT MAY BE DEPOSITED TO A JOINT ACCOUNT HELD BY ATC AND DELTA LINES LOCAL AGENT MANUCONGO FROM WHICH NEITHER PARTY MAY WITHDRAW FUNDS WITHOUT THE CONSENT OF THE OTHER.

7. THE ATC WILL NOT ACCEPT GUARANTEES DIRECTLY FROM DELTA LINES NOR ITS UNDERWRITERS, BUT ONLY FROM AN AUTHORIZED DELTA LINES REPRESENTATIVE HAVING ASSETS IN THE CONGO.

8. THE AMOUNT OF THE REQUIRED DEPOSIT HAS BEEN ARRIVED AT AS FOLLOWS: VALUE OF TUG PLUS SALVAGE/REPAIR COSTS PLUS ANTICIPATED LOSS OF REVENUE RESULTING FROM DOWN TIME OF TUG.

9. IT WAS POINTED OUT TO ATC THAT THEY EXPECTED DELTA LINES TO ACCEPT THEIR GUARANTEE OF REPAYMENT OF ANY EXCESS DEPOSIT WHILE THEY REFUSED TO ACCEPT DELTA LINES GUARANTEE THAT IT WOULD MEET ANY JUST AND LEGAL DEBT. THE ATC MAINTAINED THAT, AS THE INJURED PARTY, THIS WAS THEIR RIGHT.

10. WHILE IN MEETING RECEIVED INFO THAT DELTA LINES REPRESENTATIVE TO ARRIVE SOON. CONVEYED THIS TO ATC WHO REQUESTED THAT UNCLASSIFIED

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DELTA LINES UNDERWRITERS ACCOMPANY DELTA LINES REP.

11. FYI - ATC HAS EXPLAINED THAT THE DEPOSIT HAS DELIBERATELY BEEN SET HIGH TO ENCOURAGE DELTA LINES AND ITS UNDERWRITERS TO COME TO A RAPID FINAL SETTLEMENT WHICH WILL REDRESS JUSTLY ALL GRIEVANCES AND AT SAME TIME EFFECT QUICK REFUND OF ANY EXCESS DEPOSIT. ATC HAS USED THIS PROCEDURE IN PAST IN CASE WITH ANOTHER SHIPPING LINE AND CHARGE SATISFIED THAT DEL SOL INCIDENT NOT BEING HANDLED IN EXCEPTIONAL WAY OR WITH UNIQUE PREJUDICE.

12. PLEASE PASS ABOVE TO DELTA LINES. ABOVE HAS BEEN SHOWN IN ENTIRETY TO ATC REP M. FERAUD WHO SUBSTANTIATED CONTENTS. BAILEY

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 feb 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Original Handling Restrictions:** ONLY  
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**Reference:** 78 BRAZZAVILLE 178, 78 BRAZZAVILLE 187, 78 STATE 46069  
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**Review Content Flags:**  
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**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
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**Status:** NATIVE  
**Subject:** DEL SOL ACCIDENT POINTE NOICE  
**TAGS:** CGEN  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
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